UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:23-cv-779-FDW-DCK

SHEENA SMITH,)	
Plaintiff,)	
vs.)	
MECKLENBURG COUNTY HUMAN)	
RESOURCES, et al.,) ORDER	2
Defendants.))	

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this employment discrimination action on November 16, 2023, and she applied to proceed in forma pauperis. (Doc. No. 1.) On December 13, 2023, the Court granted the Plaintiff leave to proceed in forma pauperis but dismissed the Complaint on initial review. (Doc. No. 3.) The Court granted the Plaintiff 30 days to file a superseding Amended Complaint. (Id.) The Plaintiff was cautioned that, "[i]f Plaintiff fail to timely comply with this Order, this case will be dismissed and closed without further notice." (Id. at 4.) On January 23, 2024, the Plaintiff was granted an extension of time, until February 12, 2024, to file an Amended Complaint. (Doc. No. 5.)

The Plaintiff has not amended her Complaint and the time to do so has expired. The Plaintiff appears to have abandoned this action and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although

Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: February 26, 2024

Frank D. Whitney

United States District Judge